

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-328-C - ORDER NO. 2010-766
NOVEMBER 9, 2010

IN RE: Joseph Wojcicki,)	ORDER GRANTING
Complainant/Petitioner)	MOTION TO DISMISS
)	
vs.)	
)	
BellSouth Telecommunications, Inc.)	
d/b/a AT&T South Carolina,)	
Defendant/Respondent.)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the motion of Defendant/Respondent BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”) to dismiss the Complaint filed by Complainant/Petitioner Joseph Wojcicki (“Wojcicki”). Wojcicki alleges that AT&T South Carolina placed a Video Ready Access Device (“VRAD”) cabinet “on and around” his property without informing him of “the plan, scope of works, etc.” and without “submitting to [him] any documents or results of safety tests.” He alleges that he is concerned about vague and unsubstantiated potential “hazards” and “risks,” and he asks the Commission to require AT&T South Carolina to insure his property and family, and furthermore, to appoint Wojcicki to lead an investigative team working with various states and possibly Canadian provinces to prevent incidents such as the West Virginia coal mine explosion and explosions in Texas,

in the Gulf of Mexico, and in California. Wojcicki further seeks support from the United States Attorney and “reserves the right to additional actions” such as conducting recalls.

This Commission is without jurisdiction to grant any of the relief sought by Wojcicki. As of the October 1, 2009 effective date of AT&T South Carolina’s election to operate pursuant to S.C. Code Ann. §58-9-576(C), the Commission has jurisdiction over the prices AT&T South Carolina may charge for a specified subset of AT&T South Carolina’s stand-alone basic residential lines.¹ Otherwise, “the commission must not impose any requirements related to the terms, conditions, rates, or availability of any of [AT&T South Carolina’s] retail services; or otherwise regulate any of [AT&T South Carolina’s] retail services”² As the Complaint clearly does not address the pricing of any AT&T South Carolina services, it raises matters that clearly are outside the scope of the Commission’s jurisdiction.³ This Commission has no authority to require AT&T South Carolina to insure Mr. Wojcicki’s family or property, to investigate incidents occurring in other states and countries, to order the “recall” of any AT&T facilities, or to provide any of the other relief sought in the Complaint.

Accordingly, because the Complaint, even when read most favorably toward the Complainant, seeks relief which cannot in any event be granted by this Commission, the Commission must dismiss the Complaint in its entirety. It is so ordered.

¹ See S.C. Code Ann. §58-9-576(C)(2).

² *Id.*, §58-9-576(C)(3).

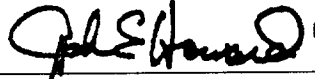
³ See Letter from Office of Regulatory Staff (“ORS”) filed October 4, 2010 (noting that “ORS does not have authority to investigate the above-referenced complaint,” as “ORS reviews only those matters which are within the jurisdiction of the Commission.”).

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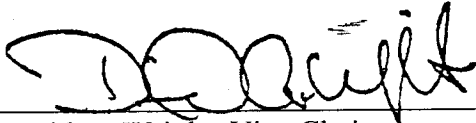
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman
(SEAL)